

of greater than about 0.1 mm.

31. The snack chip of Claim 30, wherein said snack chip has a total volume occupied by solids greater than about 45%.

32. The snack piece of Claim 31, having interior voids with a length of from about 1 to about 12 mm, and a height of from about 0.2 to about 2.5 mm.

33. The snack chip of Claim 32, wherein said snack chip has a maximum thickness of from about 3 mm to about 5.5 mm.

REMARKS

A. Status of the Case

Claims 11, 14, and 17 are rejected under 35 U.S.C. 102(b) as anticipated. Claims 1-10, 12-13, 15, and 16 are rejected under 35 U.S.C. 103(a) as obvious. Claims 18-20 are objected to as being dependent upon a rejected base claim, but are otherwise free of prior art and allowable. Claims 1-20 are canceled with this response and Claims 21-33 are added. After the current amendment, Claims 21-33 are pending in the case.

Support for all added claims is found throughout the Specification. In addition, support for Claim 21 is found in Claims 18-20 and 12-14; support for Claim 22 is found in Claims 15-17; support for Claim 23 is found in all claims as filed, as well as at page 38, lines 6-13; support for Claim 24 is found in Claim 1; support for Claim 25 is found in Claim 11; support for Claim 26 is found in Claim 2; support for Claim 27 is found in Claims 4-5; support for Claim 28 is found in Claim 6; support for Claim 29 is found in Claim 7; support for Claim 30 is found in Claim 8; support for Claim 31 is found in Claim 9; support for Claim 32 is found in Claim 10; and support for Claim 33 is found in Claim 3.

Attached hereto is a marked-up version of the changes made by the current amendment. The attached page included as part of this response is captioned "Version with Markings to Show Changes Made."

No new matter is added.

B. Art-Based Rejections of Claims 1-17

Claims 11, 14, and 17 are rejected under 35 U.S.C. 102(b) as anticipated. Claims 1-10, 12-13, 15, and 16 are rejected under 35 U.S.C. 103(a) as obvious. Applicants respectfully traverse these rejections, and respectfully disagree with the Examiner's assessment of unpatentability.

However, in order to facilitate prosecution, Claims 1-20 are canceled without prejudice with this response (and claims 21-33 are added). Accordingly, the Examiner's rejection of Claims 1-17 is now moot. Applicants respectfully reserve the right to pursue the subject matter of rejected Claims 1-17 in a separately filed continuing application.

C. Objection to Claims 18-20

Claims 18-20 are objected to as being dependent upon a rejected base claim, but are otherwise free of prior art and allowable. With this response, Claims 18-20 are canceled, thus the Examiner's objection to Claims 18-20 is now moot.

D. Added Claims 21-33

The Examiner states that "Claims 18-20 are free of prior art because there is no disclosure of the viscosity and water absorption index of the pregelatinized starch and there is no suggestion or motivation to arrive at the claimed viscosity and water absorption index." (Office Action dated 3/4/03, page 6). Because the examiner states that viscosity and water absorption index are non-obvious features of the invention, it is respectfully asserted that added Claims 21-33 are thus non-obvious and therefore allowable, since independent Claim 21, and Claims 22-33 which depend therefrom, all recite the viscosity and water absorption index values that were recited in now canceled Claims 18-20. Accordingly, it is respectfully requested that the Examiner allow Claims 21-33.

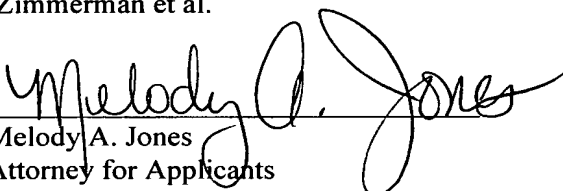
CONCLUSION

The Examiner is respectfully requested to reconsider the Application in view of the foregoing Amendments and Remarks and to allow all pending claims as patentable.

Respectfully submitted,

For: Zimmerman et al.

By


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Version with Markings to Show Changes Made

In the claims:

Claims 1-20 have been canceled.

Claims 21-33 have been added as follows:

21. A snack chip, wherein said snack chip is made from a dough composition comprising:
 - a. from about 50% to about 80% of a blend comprising:
 - i. at least about 50% of a precooked starch-based material;
 - ii. at least about 0.5% pregelatinized starch, wherein said pregelatinized starch is at least about 50% pregelatinized, and further wherein said pregelatinized starch has a peak viscosity of from about 1500 cp to about 4600 cp; a final viscosity of from about 300 cp to about 2700 cp; and a water absorption index of from about 12 to about 16; and
 - b. from about 30% to about 60% total water.
22. The snack chip of Claim 21, wherein said blend comprises from about 40% to about 95% corn masa flour.
23. The snack chip of Claim 22, wherein said snack chip is uniformly shaped.
24. The snack chip of Claim 23, wherein said snack chip has raised surface features, wherein said raised surface features comprise:
 - a. from about 12% to about 40% large surface features;
 - b. from about 20% to about 40% medium surface features; and
 - c. from about 25% to about 60% small surface features.
25. The snack chip of Claim 24, wherein said snack chip has:
 - a. a glass transition temperature of from about 165 to about 275°F at a snack chip relative humidity of from about 2 to about 4%;
 - b. a glass transition temperature of from about 180 to about 275°F at a snack chip relative humidity of from about 6 to about 9%; and
 - c. a glass transition temperature of from about 150 to about 235°F at a snack chip relative humidity of from about 20 to about 30%.

26. The snack chip of Claim 25, wherein:
- a. the average thickness of said snack chip is from about 1 mm to about 3 mm;
 - b. the average thickness of raised surface features is from about 2.3 mm to about 3.2 mm;
 - c. the maximum thickness of the chip is less than about 5.5 mm; and
 - d. the coefficient of variation of the chip thickness is greater than about 15%.
27. The snack chip of Claim 26, wherein the coefficient of variation of said snack chip thickness is from about 15% to about 40%.
28. The snack chip of Claim 27, wherein said snack chip comprises from about 5 to about 35 surface features per gram of snack chip.
29. The snack chip of Claim 28, wherein said snack chip has a surface roughness of from about 1.5 to about 7 mm.
30. The snack chip of Claim 29, wherein said snack chip has a bubble wall thickness of greater than about 0.1 mm.
31. The snack chip of Claim 30, wherein said snack chip has a total volume occupied by solids greater than about 45%.
32. The snack piece of Claim 31, having interior voids with a length of from about 1 to about 12 mm, and a height of from about 0.2 to about 2.5 mm.
33. The snack chip of Claim 32, wherein said snack chip has a maximum thickness of from about 3 mm to about 5.5 mm.